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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,540	03/01/2002	Russell Savio	60,518-012	8359

27305 7590 01/14/2004

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/082,540

Applicant(s)

SAVIO ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 9-20, 26-37, 39 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 21-25 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

1. The Response to Election /Restriction Requirement filed in Paper No. 6, October 24, 2003 has been received. According to the response, Invention I (claims 1-8, 21-25, and 38) has been elected without traverse. Therefore, claims 9-20, 25-37, 39, and 40 are hereby withdrawn from examination due to non-elected invention.

Note that, the instant application claims priority on U.S. Application 09/966234, however, it appears that the instant application is a continuing of application 09/966234 and application 09/966234 has been abandoned prior to filing date of the instant application, therefore the priority is not considered.

Acknowledgment has been made.

2. Claims 1-8 are objected to because of the following informalities:

In claim 1, the recited phrase "A video slot gaming machine for play by a player" should be changed to "A video slot gaming machine for playing by a player".

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-5, 21-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford (US 2003/0017868 A1) in view of Kaplan (5,413,342).

Crawford teaches a video slot gaming machine, method, or computer program embodied in a medium (having computer readable program code means thereto) for playing by a player (Figures 1-2), comprising: a housing having a display device for displaying a plurality of game elements in a grid having a plurality of cells (Fig.1); a memory device (215) for storing a pay-table (paragraph numeral 36); a game controller (210) coupled to the display device (230) and the memory device (215) (and random generator 220) for randomly selecting the game elements to be displayed in the display device and for determining an outcome based on the displayed game elements, a pay-table, predetermined vertical pay-lines, and a wager made by the player (paragraph numerals 30-35, 38); the game controller is adapted to randomly select a game element for each cell (paragraph numerals 36); and select a stopping position for each array; and wherein the memory device is adapted to store a plurality of arrays of game elements (predetermined winning payline patterns) (paragraph numeral 36).

Crawford does not teach the limitations of the cells represent a plurality of horizontal reels (claims 1, 21, and 38); the game controller is adapted to animate the display device to represent the spinning (or sliding) of horizontal reels (claims 2 and 22). Kaplan, however, teaches a slot machine comprising horizontal reels having cells including a plurality of arrays of game elements thereon (figs.1-8); spinning (or sliding) of horizontal reels.

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Regarding the limitations of a the set of possible game elements includes gems and symbols representing the legs, torso and arms, and head of first, second, and third characters (claim 6); the first, second, and third characters have different shapes (claim 7); and wherein the first, second, and third characters have different colors, it is notoriously well known in the gaming industry to have game elements comprising gems or human characters; thus, it would have been obvious to a person of ordinary skill in the art to use different body parts with different colors as game elements for a video slot machine.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a method for playing slot machine having horizontal reels of Kaplan to Crawford's video slot machine to provide real experience and enhance the friendly user interface of slot machine thus attract more game players and increase profit.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

BN


Teresa Walberg
Supervisory Patent Examiner
Group 3700